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Frank Abramonte  
Seed Intellectual Property Law Group  
701 5th Avenue, Suite 6300  
Seattle WA 98104-7092

In re Application of  
**BENNETT et al.**  
Application No.: 10/519,729  
PCT No.: PCT/NZ03/00136  
Int. Filing Date: 30 June 2003  
Priority Date: 28 June 2002  
Attorney Docket No.: 31036.401USPC  
For: **UTILITY USAGE EVALUATION SYSTEM  
AND METHOD**

**DECISION**

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 10 March 2006 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 30 June 2003, applicants filed international application PCT/NZ03/00136, which designated the United States and claimed a priority date of 28 June 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 08 January 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 December 2004.

On 28 December 2004, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required, and an assertion of small entity status.

On 27 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 27 October 2005, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a declaration of inventors, a declaration of facts by Geoffrey William Bennett, a declaration of facts by Bruce Kerr, and a declaration of facts by Craig Morison.

On 11 January 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort.

On 10 March 2006, applicants submitted the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by all the joint inventors.

#### DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declaration of inventors filed 10 March 2006 is in compliance with 37 CFR 1.497(a)-(b).

#### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is DISMISSED as MOOT.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

  
Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459